

CHOATE LAW FIRM LLC

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Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA AT JUNEAU**

MYRNA I. JOHNSON,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
FRED MEYER STORES, INC., and	)	
JAIME SAN MIGUEL,	)	
	)	
Defendants	)	Case No. J-04-008 CV (JWS)

**PLAINTIFF'S MOTION IN LIMINE NO. 3  
(FAILURE TO PAY ON PROMISSORY NOTE &  
SUBSEQUENT CIVIL JUDGMENT)**

Plaintiff, MYRNA JOHNSON, through counsel, moves the Court for an Order *in limine* prohibiting the defendant from mentioning in any fashion her failure to pay on a promissory note associated with the purchase of a “look alike” handbag and purse business known as *Isabel’s* and subsequently having a civil judgment entered against her on that note.

Plaintiff purchased a small business selling “look alike” handbags and purses known as Isabel’s in South Carolina in 2003. That purchase was secured in part by plaintiff giving a promissory note to the seller. Subsequently, a small portion of the inventory in the business was identified as being “counterfeit” resulting in the seizure of the entire business’ inventory for evidentiary purposes. Because plaintiff did not have the funds to replace the seized inventory, the business had to close and she was unable to pay on the promissory note. A civil

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1 judgment for that debt in the amount of \$12,879.00 was filed against her in South Carolina on  
2 January 21, 2005.

3 Plaintiff's post-termination legal difficulties are not relevant to any claim in this matter.  
4 It would be more prejudicial than probative to allow defendants to refer in any fashion to  
5 plaintiff's post-termination legal difficulties or to the resulting civil judgment. For this reason,  
6 the Court should issue an Order *in limine* prohibiting the defendants from mentioning in any  
7 fashion her failure to pay on the referenced promissory note and the subsequent civil judgment  
8 entered against her on that note.

9 DATED this 28<sup>th</sup> day of July, 2006 at Juneau, Alaska.

1 Respectfully submitted,  
2 CHOATE LAW FIRM LLC

3 *s/Mark Choate*

4  
5 MARK CHOATE  
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0 Attorneys for Plaintiff

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7 2 of 4

8 *Johnson, Myrna v Fred Meyers (03/18/2002) [23003].*  
9 PLAINTIFF'S MOTION IN LIMINE NO. 3  
0 J-04-008 CV (JWS)

**PROOF OF SERVICE**

## STATE OF ALASKA, FIRST JUDICIAL DISTRICT AT JUNEAU

I am employed in the City and Borough of Juneau, State of Alaska. I am over the age of 18 and not a party to the within action. My business address is 424 N. Franklin Street, Juneau, AK 99801.

On July 28, 2006, I served the foregoing document described as *Plaintiff's Motion in Limine No. 3*, on the interested parties in this action by serving the original true copies, addressed as follows:

James Dickens  
Miller Nash LLP  
Attorney For: Fred Meyers  
4400 Two Union Square  
601 Union Street  
Seattle, WA 98101-2352  
Phone: (206) 622-8484  
Fax: (206) 622-7485

Peter Gruenstein  
Gruenstein & Hickey  
Attorney For: Fred Meyers  
500 L Street, Suite 401  
Anchorage, AK 99501  
Phone: (907) 258-4338  
Fax: (907) 258-4350

☒ By mail, I deposited such envelope(s) in the mail at Juneau, Alaska, with postage thereon fully prepaid.

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. postal service on that same day with postage thereon fully prepaid at Juneau, Alaska, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in affidavit.

☐ By personal service, I delivered such envelope(s) by hand to the ☐ office(s); ☐ the court box of the addressee(s).

☐ By facsimile, I transmitted such documents from Juneau, Alaska, to the offices of the addressee(s).

☐ By email, I transmitted such documents from Juneau, Alaska, to the email address of the addressee(s).

☒ By electronic service through the court of record's electronic service system.

☐ (State) I declare under penalty of perjury under the laws of the State of Alaska that the foregoing is true and correct.

3 of 4

*Johnson, Myrna v Fred Meyers (03/18/2002) [23003].*

PLAINTIFF'S MOTION IN LIMINE NO. 3

J-04-008 CV (JWS)

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1                    ☒ (Federal) I declare that I am employed in the office of a member of the Bar of  
2 this Court, at whose direction the service was made.

3                    Executed on July 28, 2006 at Juneau, Alaska.

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